

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

ELIZABETH HORTON,

Plaintiff,

vs.

DON WILLIAMS, et al.,

Defendants.

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CASE NO. 02:06-CV-00526-MHT-DRB

MOTION FOR LEAVE TO SUBSTITUTE CORRECTED BRIEF

Comes now Defendant Gerald G. Shockley, by and through counsel, to move for leave to substitute a corrected copy of his brief for the one filed on 19 February that contains errors in the enumeration of the exhibits. As grounds, he states:

1. The defendants in this cause agreed to use a common set of evidentiary submissions or exhibits to ease the burden of comprehension of the particulars of the case for the parties and this Honorable Court.

2. The table of exhibits, which designated the evidentiary submissions as exhibits A through J, was compiled by the other defendants.

3. The other defendants sent this table of exhibits to counsel which was used in the preparation of Defendant Shockley's statement of facts in his brief. A copy of this table of exhibits is attached to this motion as Exhibit A.

4. Without informing counsel, the other defendants filed with this Honorable Court a different table of exhibits than was furnished to counsel for the preparation of Defendant Shockley's brief. Sadly, this second table of exhibits also contains an error by omitting F as the designation for the Second Shockley Exhibit although the other defendants referenced this

affidavit as F in their briefs. Counsel corrected this additional error and attached a copy of the corrected table of exhibits to this motion as Exhibit B.

5. Defendant Shockley has corrected his brief using the table of exhibits attached as Exhibit B. Allowing the substitution of a corrected copy of the brief will not change the substance of Shockley's submission but will minimize the potential for confusion wrought by the change in exhibit numbers by the other defendants.

Wherefore, Defendant Gerald Shockley respectfully requests that he be allowed to file a corrected copy of his brief.

Respectfully submitted on this the 21st day of February, 2008.

TROY KING
ATTORNEY GENERAL

/s/ Jack Wallace, Jr.
Jack Wallace, Jr.
Assistant Attorney General

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CERTIFICATE OF SERVICE

I hereby certify that I have, this the 21st day of February, 2008, electronically filed the foregoing with the Clerk of Court using the CM/ECF. The Clerk of Court using the CM/ECF system will send notification of this filing to the following:

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